

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

UNITED STATES OF AMERICA, )  
 )  
v. )  
 )  
SHARON ELIZABETH KEEGAN, ) No.: 4:20-CR-00045-RSB-CLR  
 )  
DEFENDANT. )

**DEFENDANT'S PROPOSED JURY INSTRUCTION  
REGARDING DURESS DEFENSE**

The Defendant has offered evidence that if she committed the acts charged in the indictment, she did so only because she was forced to commit the crime. If you conclude that the government has proved beyond a reasonable doubt that the Defendant committed the crime as charged, you must then consider whether the Defendant should nevertheless be found "not guilty" because her actions were justified by duress or coercion.

To excuse a criminal act, the Defendant must prove by a preponderance of the evidence:

First: the Defendant must have acted under an immediate threat of death or serious bodily injury.

Second: the Defendant must have had a well-grounded fear that the threat would be carried out; and

Third: that the Defendant had no reasonable opportunity to escape or inform the police.<sup>1</sup>

You must consider Defendant's belief that she had no reasonable alternative to committing the crime by using an objective standard, but it is not assessed in the abstract. Your assessment of

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<sup>1</sup> *United States v. Harris*, 7 F.4th 1276, 1292 (11th Cir. 2021).

the reasonableness of the Defendant's actions must take into account the Defendant's particular circumstances.<sup>2</sup>

A "preponderance of the evidence" is enough evidence to persuade you that the Defendant's claim is more likely true than not true.

If you find that the Defendant has proven each of these elements by a preponderance of the evidence, you must find the Defendant not guilty.

RESPECTFULLY SUBMITTED this 28th day of April, 2022.

DUFFY & FEEMSTER, LLC  
340 Eisenhower Drive  
Suite 800, Second Floor  
Savannah, Georgia 31406  
(912) 236-6311 Telephone  
(912) 236-6423 Facsimile  
[dwight@duffyfeemster.com](mailto:dwight@duffyfeemster.com)

/s/ Dwight T. Feemster  
DWIGHT T. FEEMSTER  
Georgia Bar Number: 257253  
*Attorney for Defendant Sharon Keegan*

219 West Depot Street, Suite 2  
Greeneville, TN 37743  
(423) 636-1301 Telephone  
(423) 636-1385 Facsimile  
[cameron\\_kuhlman@fd.org](mailto:cameron_kuhlman@fd.org)

/s/ Cameron C. Kuhlman  
CAMERON C. KUHLMAN  
Georgia Bar Number: 596159  
*Attorney for Defendant Sharon Keegan*

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<sup>2</sup> *United States v. Nwoye (Nwoye II)*, 824 F.3d 1129, 1137 (D.C. Cir. 2016) (Kavanaugh, J.) (original quotation omitted); *see also* Model Penal Code § 2.09 (duress defense appropriate whenever a "person of reasonable firmness in his situation would have been unable to resist" threat of unlawful force).

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I have filed the foregoing using the Court's CM/ECF system.

/s/ Cameron C. Kuhlman  
Cameron C. Kuhlman  
*Attorney for Defendant Sharon Keegan*